

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

**In Re: George Arthur Delconte, Jr.
Rebecca J. Delconte**

AS TO DEBTOR REBECCA J. DELCONTE ONLY

**Case No: 07-30583
Chapter 13**

**MOTION TO FIND TRANSFER VOID AND DIRECT THE
CHAPTER 13 TRUSTEE TO COMMENCE AN ADVERSARY
PROCEEDING TO SELL REAL ESTATE OR DISMISS CASE
WITH PERMANENT BAR OF DISCHARGE**

COMES NOW, your Chapter 13 Trustee, By Counsel, and moves the Court to hold the transfer of real estate to be a Void Transfer and direct the Chapter 13 Trustee to commence an Adversary Proceeding to Sell Real Estate or Dismiss this case, with a permanent bar to discharge of any of the claims filed in this case belonging to the debtor, Rebecca J. Delconte, and in support thereof states as follows:

1. The Debtor originally filed this case on February 16, 2007.
2. On or about December 20, 2010, the debtor, Ms. Delconte, received, as an inheritance, a one-half interest in real estate that was paid for in full.
3. On or about April 7, 2011, the Debtor, Ms. Delconte, by Deed of Gift transferred all of her interest in the real estate to her sister for no consideration.
4. The Chapter 13 Trustee was informed by Debtor's Counsel in late December or early January 2012 of the transfer, and a Motion to modify the debtor's plan was filed on January 5, 2012 by the Trustee upon being informed of this transfer.
5. This transfer is a void transfer and was done in violation of the confirmation order entered on August 5, 2010
6. A hearing was held and an order and Memorandum Opinion entered by The Honorable Douglas O. Tice, Jr. on May 15, 2012 directing that the Trustee's Motion to Modify was granted as to the Debtor, Rebecca J. Delconte, and directing the debtor to Amend her plan to pay a 100% distribution to her

unsecured claimholders, or the case be dismissed and the debtor is to be ineligible for a discharge on her debts.

7. No action has been taken by the debtor to modify her plan as to this date.
8. It is unfair and in bad faith that the debtor should be allowed to transfer and put out of reach of her claimholders, and the Chapter 13 Trustee, property that was part of the estate, that is a void transfer, and was done in violation of a Court order.

WHEREFORE, the Chapter 13 Trustee, by Counsel, respectfully requests that the Court enter an Order Declaring the Transfer Void and direct the Chapter 13 Trustee to commence an Adversary Proceeding to Sell Real Estate or Dismiss this case, with a permanent bar to discharge of any of the claims filed in this case, in this Bankruptcy Court or any other Bankruptcy Court.

Carl M. Bates
Chapter 13 Trustee

By Counsel: /s/ Susan H. Call
Susan H. Call, Esquire
Counsel for the Chapter 13 Trustee
P. O. Box 1890
Richmond, Virginia 23218-1780
(804) 237-6800; STATE BAR NUMBER: 34367

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was served by first-class mail, postage prepaid, June 15, 2012 upon the Debtor, Rebecca J. Delconte **at, 713 Old Town Drive, Colonial Heights, VA 23834, all creditors on the attached list and by e-mail** notification to her attorney, Patrick Thomas Keith, and Mark C. Leffler at ecf@bolemanlaw.com.

/s/ Susan H. Call
Susan H. Call

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

**In Re: George Arthur Delconte, Jr.
Rebecca J. Delconte**

AS TO DEBTOR REBECCA J. DELCONTE ONLY

**Case No: 07-30583
Chapter 13**

NOTICE OF MOTION AND NOTICE OF HEARING

The Chapter 13 Trustee has filed papers with the Court to request an Order be entered holding the transfer of Real Estate is void and direct the Chapter 13 Trustee to commence an Adversary Proceeding to Sell Real Estate or Dismiss this case, with a permanent bar to discharge of any of the claims filed in this case, in this Bankruptcy Court or any other Bankruptcy Court

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the Court to grant the relief sought in the Motion, or if you want the Court to consider your views on the Motion, then on or before seven (7) days before the date of the hearing, you or your attorney must:

File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street
Richmond, VA 23219

You must also mail a copy to:

Carl M. Bates
Chapter 13 Trustee
P. O. Box 1890
Richmond, Virginia 23218-1780

Attend the Hearing scheduled to be held on August 1, 2012, at 11:30 A.M., at the U.S. Bankruptcy Court, 701 East Broad Street, Rm. 5100, Richmond, VA 23219.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Carl M. Bates
Chapter 13 Trustee

By Counsel: /s/ Susan H. Call
Susan H. Call, Esquire
Counsel for the Chapter 13 Trustee
P. O. Box 1890
Richmond, Virginia 23218-1780
(804) 237-6800
STATE BAR NUMBER: 34367

I hereby certify that a copy of the foregoing Notice of Motion and Hearing was served by first-class mail, postage prepaid, June 15, 2012 upon the Debtor, Rebecca J. Delconte **at, 713 Old Town Drive, Colonial Heights, VA 23834, all creditors on the attached list and by e-mail** notification to her attorney, Patrick Thomas Keith, and Mark C. Leffler at ecf@bolemanlaw.com.

/s/ Susan H. Call
Susan H. Call

Label Matrix for local noticing
0422-3
Case 07-30583-DOT
Eastern District of Virginia
Richmond
Thu Jun 14 15:49:45 EDT 2012

East Bay Funding, LLC
c/o Resurgent Capital Services
PO Box 288
GREENVILLE, SC 29602-0288

PRA Receivables Management, LLC Assocs
PO Box 41067
Norfolk, VA 23541-1067

United States Bankruptcy Court
701 East Broad Street
Richmond, VA 23219-1888

American Express Bank PSB
c/o Becket and Lee LLP
POB 3001
Malvern PA 19355-0701

American Honda Finance Corporation
c/o Carl A. Eason, Esquire
One Columbus Center, Suite 1100
Virginia Beach, VA 23462-6765

Chase Bank USA NA
by eCAST Settlement Corporation
as its agent
POB 35480
Newark NJ 07193-5480

Citifinancial
Attn: Bankruptcy Dept
11436 Cronhill Drive Suite H
Owings Mills, MD 21117-2285

Ford Motor Credit Company LLC
c/o Carl A. Eason, Esquire
Convergence Center IV
301 Bendix Road, Suite 500
Virginia Beach, VA 23452-1388

HFC
PO Box 17574
Baltimore, MD 21297-1574

B-Line, LLC
P.O. Box 91121
Dept. 550
SEATTLE, WA 98111-9221

Ford Motor Credit Company LLC
Carl A. Eason, Esq.
Convergence Center IV
301 Bendix Road, Ste 500
Virginia Beach, VA 23452-1388

Roundup Funding, LLC
Mail Stop 550
PO Box 91121
Seattle, WA 98111-9221

AMERICA HONDA FINANCE CORP.
NATIONAL BANKRUPTCY CENTER
P.O. BOX 168088
IRVING, TX 75016-8088

American Express Centurion Bank
c/o Becket and Lee LLP
POB 3001
Malvern PA 19355-0701

CITIMORTGAGE INC.
P.O. BOX 140609
IRVING, TX 75014-0609

CitiFinancial Mortgage Company Inc.
Attn: Dallas CASH Services- ATM
4050 Regent Mail Stop: N1B-165
Irving, TX 75063-2246

Citifinancial Mortgage Co.
Re: Bankruptcy
P O Box 1900
Hatboro, PA 19040-8419

GE Consumer Finance
PO Box 960061
Orlando, FL 32896-0061

Household Finance Corporation
by eCAST Settlement Corporation
as its agent
POB 35480
Newark NJ 07193-5480

CITIMORTGAGE, INC
1000 TECHNOLOGY DRIVE
O FALLAON, MO 63368-2240

LVNV Funding LLC its successors and assigns
c/o Resurgent Capital Services
P.O. Box 10587
GREENVILLE, SC 29603-0587

eCAST Settlement Corporation
POB 35480
Newark, NJ 07193-5480

American Express
RE: Bankruptcy
P.O. Box 7863
Fort Lauderdale, FL 33329-7863

(p)AMERICAN HONDA FINANCE
P O BOX 168088
IRVING TX 75016-8088

Chase
PO BOX 15298
Wilmington, DE 19850-5298

CitiMortgage, Inc.
P O Box 6941
The Lakes, NV 88901-6941

(p)FORD MOTOR CREDIT COMPANY
PO BOX 6275
DEARBORN MI 48121-6275

GEM/TEX
RE: Bankruptcy
P.O. Box 981127
El Paso, TX 79998-1127

LVNV Funding LLC as assignee of American Exp
c/o Resurgent Capital Services
P.O. Box 10587
Greenville, SC 29603-0587

LVNV Funding LLC its successors and assigns
assignee of CitiFinancial Inc.
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

LVNV Funding LLC its successors and assigns
assignee of Citibank USA
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Lowe's
P.O. Box 25428
Charlotte, NC 28229-5428

Office of the US Trustee
600 East Main Street
Suite 301
Richmond, VA 23219-2430

Old Navy
Re: Bankruptcy
P.O. Box 103090
Roswell, GA 30076-0000

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

ROUNDUP FUNDING, L.L.C.
MS 550
PO Box 91121
SEATTLE, WA 98111-9221

Sarah DelConte
9305 Farmington Drive
Richmond, VA 23229-5335

Sears
RE: Bankruptcy
133200 Smith Road
Cleveland, OH 44130-0000

Target
RE: Bankruptcy
PO Box 59231
Minneapolis, MN 55459-0231

Target National Bank
TARGET
c/o Weinstein & Riley, P.S.
2101 Fourth Ave., Suite 900
Seattle, WA 98121-2339

Team & Wheel Federal CU
PO Box 8982
Madison, WI 53708-8982

eCAST Settlement Corporation assignee of
GE Money Bank/Lowes Consumer
POB 35480
Newark NJ 07193-5480

eCAST Settlement Corporation assignee of
GE Money Bank/Old Navy
POB 35480
Newark NJ 07193-5480

Carl M. Bates
P. O. Box 1819
Richmond, VA 23218-1819

Elizabeth C. Brogan
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P.O. Box 11588
Richmond, VA 23230-1588

George Arthur DelConte Jr.
713 Old Town Drive
Colonial Heights, VA 23834-1738

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P.O. Box 11588
Richmond, VA 23230-1588

Kathryn E. Smits
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P.O. Box 11588
Richmond, VA 23230-1588

Mark C. Leffler
Boleman Law Firm, P.C.
Convergence Center III
272 Bendix Road
Suite 130
Virginia Beach, VA 23452-1380

Patrick Thomas Keith
Boleman Law Firm, PC
P.O. Box 11588
Richmond, VA 23230-1588

Rebecca Jayne DelConte
713 Old Town Drive
Colonial Heights, VA 23834-1738

Trenya Futrell Mason
Boleman Law Firm, P.C.
P.O. Box 11588
Richmond, VA 23230-1588

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

American Honda Finance Corp
Attn: Bankruptcy Dept
8601 McAlpine Park Dr, Ste 230
Charlotte, NC 28211-0000

(d)American Honda Finance Corp
P.O. Box 105027
Atlanta, GA 30348-0000

Ford Motor Credit
17197 North Laurel Park Drive
Suite 402
Livonia, MI 48152-0000

(d)Ford Motor Credit Company
Drawer 55-953
P.O. Box 55000
Detroit, MI 48255-0953

(d)Ford Motor Credit Company
P.O. Box 537901
Livonia, MI 48153-9905

Portfolio Recovery Associates, LLC
PO Box 41067
Norfolk, VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)American Honda Finance Corporation

(d)B-Line, LLC
P.O. Box 91121
Dept. 550
Seattle, WA 98111-9221

(d)East Bay Funding, LLC
c/o Resurgent Capital Services
PO Box 288
Greenville, SC 29602-0288

(d)eCAST Settlement Corporation
POB 35480
Newark NJ 07193-5480

End of Label Matrix	
Mailable recipients	52
Bypassed recipients	4
Total	56